

The opinion in support of the decision being entered today is not binding precedent of the Board.

Filed by: Merits Panel

Interference Trial Section  
Mail Stop INTERFERENCE  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
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Paper No. 3629

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

KEN VON MUENSTER

**FAXED**

Junior Party,  
(Patent 5,902,966)<sup>1</sup>

SEP 15 2003

v.

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

DAVID E. WILSON

Senior Party  
(Application 08/818,717)<sup>2</sup>

Patent Interference No. 105,090

Before LEE, SPIEGEL and TIERNEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

**JUDGMENT**

<sup>1</sup> Based on Application 08/918,055, filed August 25, 1997.

<sup>2</sup> Filed March 14, 1997.

Interference No. 105,090  
Von Muenster v. Wilson

The common assignee having elected (Paper No. 35) in a response to the show cause order of July 15, 2003 (Paper No. 32) the senior party DAVID E. WILSON as being entitled to priority in this interference with respect to the count, it is now appropriate to enter judgment.

It is

**ORDERED** that judgment as to the subject matter of the count is herein entered against junior party KEN VON MUENSTER, who is not entitled to his claim 1 of his involved Patent No. 5,902,966, which corresponds to the count;

**FURTHER ORDERED** that a copy of this judgment will be placed in the respective involved application and patent of the parties; and

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666.

Jameson Lee  
Jameson Lee )  
Administrative Patent Judge )  
 )  
 )  
Carol A. Spiegel)  
Carol A. Spiegel )  
Administrative Patent Judge )  
 )  
Michael P. Tierney)  
Michael P. Tierney )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

Interference No. 105,090  
Von Muenster v. Wilson

By Facsimile

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